IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5705 of 1997

Between:

1 The District Collector & Chairman District Rural Development Agency, Warangal.
2 The Project Director, District Rural Development Agency, Warangal.

..... PETITIONERS

AND

1 The Industrial, Tribunal-cum-Labourt Court, Warangal.
2 S. Sailaja, D/o Veerakanakaiah, H.NO. 3-1-50, Kakatiay Colony, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to I.D.No. 72/93, dt.12/11/1996 on the file of the Industrial Tribuanal-cum-Labour Court, Warangal to quash the same as illegal, arbitrary without jurisdiction.

Counsel for the Petitioners: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: MR.A.K.JAYAPRAKASH RAO

The Court made the following:

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O R D E R:

Heard both sides.

The petitioners are the authorities, which include the District Collector and the Project Director, who, by way of this writ, are seeking writ of Certiorari assailing the award dated 12-11-1996 in I.D.No.72 of 1993 on the file of the first respondent passed in pursuance of a dispute raised at the instance of the second respondent on a reference and answering the same in the positive.

The case of the petitioners is that the second respondent was, in fact, appointed as a Data Entry Operator on contract basis and subsequent to the completion of the work under the contract, her services are no longer required and accordingly, she was terminated and yet, she is claiming to be the regular employee alleging that there is illegal termination and approached the Labour Court, first respondent. It is further pointed out that according to the second respondent she, in fact, went on maternity leave and subsequently when she returned, she was not taken into service and hence, the reference. The labour Court, after conducting enquiry, without providing opportunity of producing evidence, erroneously accepted the version of the second respondent. Hence, this writ petition.

The learned Government Pleader appearing for the petitioners sought to submit that primarily the work is of contractual nature and once the work is completed, the second respondent has no right to make any claim and as such, she is not a regular employee to avail all such benefits.

The learned counsel appearing for the second respondent submits that the allegation that the work is of contractual nature is not correct and that it is only when she returned after the maternity leave, she

was not permitted to join the duty and her services were terminated.

Considering the submissions made on either side and on perusal of the material on record, it is to be seen that before the first respondent the petitioners have taken two specific pleas i.e., the second respondent has voluntarily left the services and, therefore, she is not entitled to any benefits and secondly, having regard to the nature of the contract work, the second respondent has no right to seek reinstatement.

In spite of taking such specific pleas, the petitioners did not produce any evidence in support thereof. It is only on the basis of the submissions made on either side, the first respondent passed the award. Having taken such pleas, the petitioners have taken upon themselves the onerous duty of substantiating such pleas, but no such attempt has been made.

In the circumstances, I do not find any justification in the submissions made by the petitioners and there is any travesty in the findings arrived at by the first respondent. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No costs.

(**B. PRAKASH RAO, J**)

Date: 25-11-2004

ghn

To

1. The District Collector & Chairman, District Rural Development Agency, warangal.
2. The Project Director, District Rural Development Agency, Warangal.
3. Two CCs to G.P. for P.Raj, High Court of A.P., Hyderabad (OUT).
4. The Industrial, Tribunal-cum-Labourt Court, Warangal.
5. Two CCs to the Government Pleader for Labour, High Court of A.P., Hyderabad.
6. Two CD copies.